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| <b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>  |  | Docket Number (Optional)<br>CE11296JEM                            |
| I hereby certify that this correspondence is being electronically transmitted on the date listed below [(37 CFR 1.8(a))].<br><br>on: <u>March 28, 2008</u><br><br>Signature <u>/Silvana Wiltshire/</u><br><br><u>Silvana Wiltshire</u><br>Typed or printed name   | Application Number<br><b>10/631,370</b><br><br>First Named Inventor<br>Stuart S. Kreitzer<br><br>Art Unit<br><b>2135</b> | Filed<br><b>July 31, 2003</b><br><br>Examiner<br>Klimach, Paula W |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheets(s).<br/>         Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> applicant inventor.           <br/><br/> <input type="checkbox"/> assignee of record of the entire interest.<br/>           See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.<br/>           (Form PTO/SB/96)           <br/><br/> <input checked="" type="checkbox"/> attorney or agent of record.<br/>           Registraton number <u>45,834</u> <br/><br/> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.<br/>           Registration number if acting under 37 CFR 1.34: _____         </div> <div style="width: 45%; text-align: right;"> <u>/Larry G. Brown/</u><br/>           Signature<br/><br/> <u>Larry G. Brown</u><br/>           Typed or printed name<br/><br/> <u>(954) 723-6449</u><br/>           Telephone number<br/><br/> <u>March 28, 2008</u><br/>           Date         </div> </div> <p style="margin-top: 20px;">NOTE: Signatures of all the inventors or assignees or record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, se below*</p> |  |   |
| <input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.   |  |   |

(SB/33 (07-05))

## UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Stuart S. Kreitzer      GROUP ART UNIT: 2135  
 APPLN. NO.: 10/631,370      EXAMINER: Klimach, Paula W  
 FILED: July 31, 2003      Confirmation No. 2130  
 TITLE: METHOD AND APPARATUS FOR SECURE COMMUNICATIONS  
 AMONG PORTABLE COMMUNICATION DEVICES

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| CERTIFICATE UNDER 37 CFR 1.8(a)   |                     |
|---|---------------------|
| I hereby certify that this correspondence is being electronically transmitted on the date listed below: |                     |
| Date:   | March 28, 2008      |
| Signature   | /Silvana Wiltshire/ |
| Typed or printed name:  | Silvana Wiltshire   |

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop: **AF**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Applicants request review of the Final Office Action mailed November 28, 2007, relating to the above-identified application in furtherance of the Notice of Appeal filed on March 18, 2008.

Concurrent with this submission, Applicants are paying the requisite fee for a one-month Extension of Time.

Claims 1-7, 9-12 and 14-21 remain pending in the application, as claims 8 and 13 were previously canceled without prejudice. The most recent copy of the claims can be found in Applicants' amendment of August 24, 2007. In the Final

Office Action, claims 1, 10, 14, 18 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,390,252 to Suzuki, et al. (Suzuki) in view of U.S. Patent No. 6,278,697 to Brody, et al. (Brody) and further in view of U.S. Patent Application Publication No. 2005/0129065 to Loy, et al. (Loy). Also, claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Brody in view of Loy and further in view of U.S. Patent No. 6,965,674 to Whelan, et al. (Whelan). Claims 2, 3, 9, 11, 12, 15, 19 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Brody in view of Loy and further in view of Schneier, *Applied Cryptography* (Schneier). Claims 4, 5 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Brody in view of Loy in view of Schneier and further in view of the article by L-3 Communications. Finally, claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Brody in view of Loy and further in view of the FNBDT Signaling Plan and the L-3 Communications article.

Independent Claims 1, 11, 14 and 21

Independent claim 1 recites the limitation that the multi-mode device and the second multi-mode device communicate with one another using the first communication protocol over the first communication network and using the different communication protocol over the different communication network. Independent claims 11, 14 and 21 recite similar subject matter.

As previously noted in Applicant's Amendment of August 24, 2007, Suzuki does not describe a first mode of communication in a first network and protocol

and a second mode of communication in a different network and protocol. Suzuki merely contemplates switching between different channels, i.e., frequencies in the same communication network (see col. 5, lines 38-45), to which the Examiner has agreed (see page 3, lines 5-8 of the Final Office Action of November 28, 2007).

Brody describes a method and apparatus for processing multi-protocol communications via a single system. In particular, the system receives a message from a first communications device that includes the identity of the first device and a second communications device (see Abstract). When the first device uses a different communications protocol as compared to the second device, the messages transceived between the two devices are converted by an appropriate communication protocol (see Abstract). Such conversion is done by first converting an incoming message having a first communication protocol format into a message having a generic communication protocol format (see Abstract). The message having the generic communication protocol format is then converted into a message having a second communication protocol format, which is subsequently routed to the second device (see Abstract).

As an example, a conference call may be established between a CDMA communications device, a TDMA communications device and a GSM communications device. The system on Brody receives messages from each of the devices, converts them into the generic protocol format and converts them again into the protocol that is recognized by the receiving device (see col. 13, lines 19-31).

Loy describes a system with multiple network support. In Loy, an instruction memory (204a) of a dual port memory (204) stores the processing instructions for a particular network protocol (see paragraph 0013). A first processor (202) and a second processor (206) retrieve instructions from the instruction memory (204a) to process data packets associated with the network protocol (see paragraph 0004). The instruction memory (204a) also stores processing instructions for a second network protocol (see paragraph 0016). When the network protocol is changed to the second network protocol, the first and second processors (202, 206) retrieve instructions on how to process the second protocol from the instruction memory (204a) (see paragraph 0004). Thus, the system in Loy allows for a device that can support multiple network protocols without requiring a redesign of hardware in the device when changing protocols (see paragraph 0016).

Applicants submit that one skilled in the art would not find it obvious to combine the Suzuki, Brody and Loy references. Specifically, Brody relies on a conversion process in which messages of differing protocols are converted to a generic protocol before being converted into the protocol of the receiving unit. The device in Loy, on the other hand, supports multiple protocols. As such, one of skill in the art would be taught away from adding the multiple protocol support feature of Loy to the Brody system, because to do so would completely obviate the conversion process of Brody. Moreover, adding the multiple protocol platform of Loy to Brody would require the use of additional hardware in the Brody

communication devices, e.g., the additional processor and dual port memory, hardware that is completely unnecessary in view of the Brody conversion process.

Conclusion

In view of the above, Applicant contends that the claims are patentable over the cited prior art references. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

Date: March 28, 2008

By: /Larry G. Brown/

SEND CORRESPONDENCE TO:

Larry G. Brown  
Attorney of Record  
Reg. No.: 45,834

Motorola, Inc.  
1303 E. Algonquin Road  
IL01/3<sup>RD</sup>  
Schaumburg, IL 60196

Tel: (954) 723-4295 direct line  
Tel: (954) 723-6449 main line

Customer Number: 24273

Fax No.: (847) 576-3750